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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/724,966	12/01/2003	Lee J. Brown	1612	3032
20576	7590	06/02/2008	EXAMINER	
ALFRED J MANGELS 4729 CORNELL ROAD CINCINNATI, OH 452412433			LAUX, JESSICA L	
			ART UNIT	PAPER NUMBER
			3635	
			MAIL DATE	DELIVERY MODE
			06/02/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/724,966

Applicant(s)

BROWN, LEE J.

Examiner

Jessica Laux

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-7, 9-13, 15 and 18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-7, 9-13, 15, 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Allowable Subject Matter

The indicated allowability of claim 9 is withdrawn in view of the newly discovered reference(s) to Landis and Morandin. Rejections based on the newly cited reference(s) follow. Accordingly the finality of the rejection of the last Office action is withdrawn and a new rejection is presented below.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 9, 2-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Landis (3333803).

Claim 9: Landis discloses a support bracket for positioning within a rain gutter that includes an overlying gutter cover panel, said bracket comprising:

a) a substantially L-shaped body (as seen in figure 2) including a first leg (33, 35, 37, 38, 39) adapted to be oriented substantially vertically when the bracket is installed in a gutter, and a second leg (30) adapted to be oriented substantially horizontally when the bracket is installed in a gutter,

the first leg including a mounting surface (generally the back side of 33) adapted to contact a rear wall of a gutter (as seen in figures 1, 5) and a front surface spaced from the mounting surface and connected therewith by a central panel that extends between the mounting surface and the front surface;

b) at least one first bore (at 34) extending through the first leg toward the mounting surface and generally aligned with the second leg for receiving a bracket fastener for securing the bracket to a substantially vertical building surface adjacent to a roof edge;

c) at least one second bore (generally at 32) extending into the second leg for receiving a cover panel fastener for securing a front edge of the gutter cover panel to the bracket;

d) engagement means (31) carried by the second leg for engaging and supporting a front wall portion of a gutter, the second leg including a stop surface (the bottom of 31, generally near 14 of figure 1) for abutment with and positioning relative to the bracket of a front edge of the gutter cover panel, wherein the stop surface is positioned below an opening of the at least one second bore; and

e) upwardly-facing, flat support surface means (35) carried by the first leg for engaging a rear surface portion of the gutter cover panel.

Claim 2: A support bracket in accordance with claim 1, wherein the first leg includes at least two first bores spaced from each other along the first leg (as seen in the figure 1).

Claim 3: A support bracket in accordance with claim 9, wherein the at least one second bore is a blind bore (as seen in the figure).

Claim 4: A support bracket in accordance with claim 9, wherein the engagement means is a hook member that is adapted to engage a reentrant lip carried at an upper front edge of a gutter (where 31 is configured as a hook capable of engaging a reentrant lip).

Claims 9, 5-7, 10-13, 15, 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Morandin et al (5617678).

Claim 9: Morandin discloses a support bracket for positioning within a rain gutter that includes an overlying gutter cover panel, said bracket comprising:

a) a substantially L-shaped body (as seen in figure 5) including a first leg (the vertical right side of the bracket) adapted to be oriented substantially vertically when the bracket is installed in a gutter, and a second leg (the horizontal middle and left of the bracket) adapted to be oriented substantially horizontally when the bracket is installed in a gutter,

the first leg including a mounting surface (at 102, 108) adapted to contact a rear wall of a gutter (as seen in figures 4, 5) and a front surface (near 82) spaced from the mounting surface and connected therewith by a central panel (38, 42) that extends between the mounting surface and the front surface;

b) at least one first bore (at 4) extending through the first leg toward the mounting surface and generally aligned with the second leg for receiving a bracket fastener for securing the bracket to a substantially vertical building surface adjacent to a roof edge;

c) at least one second bore (at 50) extending into the second leg for receiving a cover panel fastener for securing a front edge of the gutter cover panel to the bracket;

d) engagement means (generally at 62) carried by the second leg for engaging and supporting a front wall portion of a gutter, the second leg including a stop surface (100) for abutment with and positioning relative to the bracket of a

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front edge of the gutter cover panel, wherein the stop surface is positioned below an opening of the at least one second bore; and

e) upwardly-facing, flat support surface means (52) carried by the first leg for engaging a rear surface portion of the gutter cover panel.

Claim 5: A support bracket in accordance with claim 9, wherein the support surface means is a surface inclined in a downward direction from a plane defined by the mounting surface and extending toward the gutter front wall engagement means (where the element 52 is inclined and is attached to a surface of the leg that is also inclined downward toward the front of the gutter).

Claims 6-7: A support bracket in accordance with claim 5, wherein the support surface means is inclined at an inclination angle of from about 85° to about 60°, including 75°, relative to the mounting surface (as seen in figure 5).

Claims 10-13: A support bracket in accordance with claim 9, including at least one aperture, in the first leg (the aperture between 93 and 40 as seen in figure 5); and or in the second leg (the aperture bounded by wall 24, 44, 26, 42) in the bracket body for receiving a fastener for fastening an end, cap relative to the bracket.

Claim 15: A support bracket in accordance with claim 9, including a contact surface (generally wall 24 above 44 near 50) carried by the second leg between the first leg and the engagement means for contact with an intumed end of the overlying gutter cover panel.

Claim 18: A bracket in accordance with claim 15, wherein the contact surface includes a stop (generally where element 50 is formed) for engagement with an edge of the gutter cover panel.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jessica Laux whose telephone number is 571-272-8228. The examiner can normally be reached on Monday thru Thursday, 9:00am to 5:00pm (est).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on 571-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Jeanette E Chapman/
Primary Examiner, Art Unit 3633

/J. L./
Examiner, Art Unit 3635